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November 15, 2002

FILE: UTSK:348US

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37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

November 15, 2002

Date

Thomas M. Boyce

Commissioner for Patents
Washington, DC 20231

RE: *U.S. Patent Application No. 09/877,794, entitled "METHODS AND COMPOSITIONS FOR DETECTION, DIAGNOSIS AND PREDICTION OF ANTIESTROGEN-RESISTANT BREAST CANCER" – by Suzanne A.W. Fuqua et al. (Client reference: UTHSC/SA:348)*

Sir:

Please find enclosed a Substitute Declaration and a return postcard to acknowledge receipt of this document. Please date stamp and mail this postcard.

It is believed that no fee is due with this communication, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed document, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/UTSK:348US.

Respectfully submitted,

Thomas M. Boyce
Reg. No. 43,508

TMB/jle
Encl: as noted



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SUBSTITUTE DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND COMPOSITIONS FOR DETECTION, DIAGNOSIS AND PREDICTION OF ANTIESTROGEN-RESISTANT BREAST CANCER**, the Specification of which:



is attached hereto.

was filed on **June 8, 2001** as Application Serial No. **09/877,794**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, United States provisional application(s), or inventor's certificate listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's certificate having a filing date before that of the application on which priority is claimed:

| PRIORITY APPLICATION(S) | | | Priority Claimed |
|--------------------------------|-------------------------|---|-----------------------------|
| 60/111,428 (Number) | USA (Country) | December 8, 1998 (Date Filed) | YES Yes/No |
| (Number) | (Country) | (Date Filed) | Yes/No |

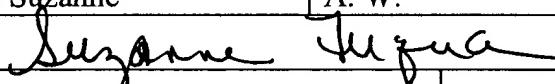
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56,

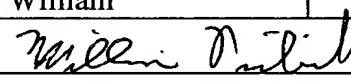
which become available between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|--|------------------------------------|---------------------|
| PCT/US99/28206 (Application Serial No.) | November 29, 1999 (Filing Date) | Pending (Status) |
| (Application Serial No.) (Filing Date) | | (Status) |

I hereby direct that all correspondence and telephone calls be addressed to Thomas M. Boyce, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

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